REMARKS

Claims 1-11 are pending in this application. By this Amendment, claims 1, 2, 4-7, 9 and 11, and the specification, are amended. Claim 12 is added. The amendments and added claim introduce no new matter. Reconsideration of the application based upon the above amendments and the following remarks is respectfully requested.

The Office Action, on page 2, objects to the specification because of informalities. Specifically, the Office Action asserts that references to claims 1 and 9 should be removed and that the reference to "LUDV control" should be translated from German into English. The amendments to the specification obviate this objection. Withdrawal of the objection to the specification is respectfully requested.

The Office Action, on page 2, objects to the drawings under 37 C.F.R. 1.83(a). Specifically, the Office Action asserts that the drawings do not show the feature of an anti-cavitation valve as recited in claims 7 and 11. The amendments to claims 7 and 11 obviate this objection. Withdrawal of the objection to the drawings is respectfully requested.

The Office Action, on page 3, rejects claims 1-6 and 8-10 under 35 U.S.C. §102(b) over U.S. Patent No. 5,630,317 to Takamura et al. (hereinafter "Takamura"). The Office Action, on page 4, rejects claims 7 and 11 under 35 U.S.C. §103(a) over Takamura in view of U.S. Patent No. 4,353,289 to Lonnemo et al. (hereinafter "Lonnemo"). These rejections are respectfully traversed.

The Office Action, in page 2, asserts that Takamura teaches a hydraulic control system with features that allegedly correspond to features recited in independent claims 1 and 9. Takamura teaches a hydraulic drive machine that realizes lever operability based on the differential pressure between the discharge pressure of hydraulic pump and the load pressure (Abstract). Takamura further teaches high pressure PLS being fed via a pilot pipe line 24 to

one side of control valve 37, which is switched according to the differential pressure of the pressures applied to each end of control valve 37 (col. 8, line 62 - col. 9, line 12; col. 9, lines 48-49). In this way, Takamura teaches the swash angle of the swash plate 2a is controlled so that the differential pressure is maintained at a set value (col. 9, lines 49-57). Takamura, however, does not teach, nor can it reasonably be considered to have suggested, the pump and the meter-in orifices are adjustable by a control means for outputting a control signal to the pump in which a sum of the target values predetermined for the meter-in orifices is considered, as positively recited in claim 1. Claim 9 recites similar features. For example, Takamura does not disclose summing predetermined target values for the meter-in orifices and certainly not considering the sum of target values.

The Takamura system is limited by the problems disclosed in Applicants' specification. Namely, in systems like Takamura, the instant specification indicates that the variable displacement pump is actuated in dependence on the highest load pressure, so that a pressure manifests in the pump line which is higher than the highest load pressure by a pressure difference (pg. 3, lines 21-29). The drawback of these systems is that considerable losses may occur by raising the pressure of the pump above the highest load pressure causing vibration and rigidity of actuation (pg. 3 line 29 - pg. 4 line 5). As such, it is unreasonable to assert that Takamura teaches, or can reasonably considered to have suggested, at least the combination of all of the features recited in claims 1 and 9.

Lonnemo is not applied in a manner to overcome the above-identified shortfalls in Takamura.

For at least the foregoing reasons, the applied references do not teach, nor can they reasonably be considered to have suggested, the combinations of all of the features positively recited in independent claims 1 and 9. Additionally, claims 2-8, 10 and 11 are neither taught, nor would they have been suggested, by the applied references for at least the respective

dependence of these claims on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-11 under §§102(b) and 103(a) as being anticipated by, or unpatentable over, the applied references are respectfully requested.

Added claim 12 is also allowable, at least for the dependence of this claim on an allowable base claim, as well as for the separately patentable subject matter that it recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

James E. Golladay, II
Registration No. 58,182

JAO:CJW/tbm

Date: June 11, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461